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d/b/a The BlenderBottle Company

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROVE BRANDS, LLC d/b/a THE
BLENDERBOTTLE COMPANY, a Utah
limited liability company,

Plaintiff,

v.

TRRS MAGNATE LLC d/b/a HYDRA
CUP,

Defendant.

Civil Action No. 2:22-cv-02222-TLN-
CKD

**PLAINTIFF'S ANSWER TO
DEFENDANT'S
COUNTERCLAIMS TO FIRST
AMENDED COMPLAINT**

Hon. Troy L. Nunley
Hon. Carolyn K. Delaney

1 Plaintiff Trove Brands, LLC, d/b/a The BlenderBottle Company (“Plaintiff”)
2 hereby answers TRRS Magnate LLC d/b/a Hydra Cup’s (“Hydra Cup” or “Defendant”)
3 Counterclaims (“Counterclaims”) as follows:

4 **JURISDICTION AND VENUE**

5 1. Plaintiff admits that this Court has jurisdiction over this action. Plaintiff
6 denies that any of the claims against Plaintiff are valid, and further denies the remaining
7 allegations of Paragraph 1 of the Counterclaims.

8 2. Plaintiff admits that this Court has personal jurisdiction over it solely with
9 respect to the claims in the present action. Except as expressly admitted herein, Plaintiff
10 denies any remaining allegations of Paragraph 2 of the Counterclaims.

11 3. Plaintiff admits that venue is proper in this judicial district regarding the
12 claims in the present action. Plaintiff denies any remaining allegations of Paragraph 3
13 of the Counterclaims.

14 **PARTIES**

15 4. Plaintiff lacks knowledge or information sufficient to admit or deny the
16 allegations contained in Paragraph 4 of the Counterclaims, and therefore denies the
17 allegations therein on this basis.

18 5. Plaintiff admits the allegations of Paragraph 5 of the Counterclaims.

19 **FACTUAL ALLEGATIONS**

20 6. Plaintiff lacks knowledge or information sufficient to admit or deny the
21 allegations contained in Paragraph 6 of the Counterclaims, and therefore denies the
22 allegations therein on this basis.

23 7. Plaintiff admits that it filed the First Amended Complaint in the present
24 action containing claims for infringement of U.S. Design Patent No. D510,235 (the
25 “D235 Patent”), D696,551 (the “D551 Patent”), and D697,798 (the “D798 Patent”) and
26 the Lid Trade Dress as defined by Paragraphs 13-16 of the First Amended Complaint,
27 the Bottle Trade Dress as defined by Paragraphs 17 and 18 of the First Amended
28 Complaint, the Agitator Trade Dress as defined by Paragraphs 22-24 of the First

1 Amended Complaint, and the Label Trade Dress as defined by Paragraphs 25 and 26 of
2 the First Amended Complaint. Plaintiff further admits that an actual and justiciable
3 controversy exists between Plaintiff and Defendant due to the claims identified herein.
4 Plaintiff denies the remaining allegations of Paragraph 7 of the Counterclaims.

5 8. Plaintiff denies the allegations of Paragraph 8 of the Counterclaims.

6 9. Plaintiff lacks knowledge or information sufficient to admit or deny the
7 allegations contained in Paragraph 9 of the Counterclaims, and therefore denies the
8 allegations therein on this basis.

9 10. Plaintiff admits that the D047 Patent is listed as a reference cited on page
10 2 of the D798 Patent and page 2 of the D551 Patent. Plaintiff denies the remaining
11 allegations of Paragraph 10 of the Counterclaims.

12 11. Plaintiff admits that the D235 Patent is listed as a cited reference on page
13 1 of the D047 Patent. Plaintiff denies the remaining allegations of Paragraph 11 of the
14 Counterclaims.

15 12. Plaintiff denies the allegations of Paragraph 12 of the Counterclaims.

16 13. Plaintiff denies the allegations of Paragraph 13 of the Counterclaims.

17 14. Plaintiff denies the allegations of Paragraph 14 of the Counterclaims.

18 15. Plaintiff denies the allegations of Paragraph 15 of the Counterclaims.

19 16. Plaintiff denies the allegations of Paragraph 16 of the Counterclaims.

20 17. Plaintiff responds that Paragraph 17 of the Counterclaims is a reservation
21 of rights that does not require a response. Plaintiff denies any allegations of Paragraph
22 17 of the Counterclaims.

23 18. Plaintiff admits that the First Amended Complaint includes allegations of
24 patent and trade dress infringement, and that such allegations provide a substantial
25 controversy between Plaintiff and Defendant. Plaintiff denies the remaining allegations
26 of Paragraph 18 of the Counterclaims.

27 **FIRST CAUSE OF ACTION**

1 19. Plaintiff repeats and realleges each of its preceding responses to the
2 allegations of the Counterclaims as though fully set forth herein.

3 20. Plaintiff admits that Plaintiff asserts claims of patent infringement against
4 Defendant in the present action, such claims create an actual controversy between
5 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant
6 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph
7 20 of the Counterclaims.

8 21. Plaintiff denies the allegations of Paragraph 21 of the Counterclaims.

9 22. Plaintiff admits that the application which eventually issued as the D235
10 Patent was filed with the USPTO on September 9, 2003, and the D235 Patent, entitled
11 “BOTTLE,” issued on October 4, 2005 and claims “[t]he ornamental design for a bottle,
12 as shown and described.”

13 23. Plaintiff denies the allegations of Paragraph 23 of the Counterclaims.

14 24. Plaintiff denies the allegations of Paragraph 24 of the Counterclaims.

15 25. Plaintiff denies the allegations of Paragraph 25 of the Counterclaims.

16 26. Plaintiff admits that Defendant purports to assert a claim for declaratory
17 judgment of non-infringement of the D235 Patent. Plaintiff denies that Defendant is
18 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 26 of the
19 Counterclaims.

20
21 **SECOND CAUSE OF ACTION**

22 27. Plaintiff repeats and realleges each of its preceding responses to the
23 allegations of the Counterclaims as though fully set forth herein.

24 28. Plaintiff admits that Plaintiff asserts claims of patent infringement against
25 Defendant in the present action, such claims create an actual controversy between
26 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant
27 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph
28 28 of the Counterclaims.

1 29. Plaintiff denies the allegations of Paragraph 29 of the Counterclaims.

2 30. Plaintiff admits that the application which eventually issued as the D551
3 Patent was filed with the USPTO on September 7, 2012, and the D551 Patent, entitled
4 “BOTTLE LID HAVING INTEGRATED HANDLE,” issued on December 31, 2013
5 and claims “[t]he ornamental design for a bottle lid with an integrated handle, as shown
6 and described.”

7 31. Plaintiff denies the allegations of Paragraph 31 of the Counterclaims.

8 32. Plaintiff denies the allegations of Paragraph 32 of the Counterclaims.

9 33. Plaintiff admits that the D047 Patent is listed as a reference cited on page
10 2 of the D551 Patent. Plaintiff denies the remaining allegations of Paragraph 33 of the
11 Counterclaims.

12 34. Plaintiff denies the allegations of Paragraph 34 of the Counterclaims.

13 35. Plaintiff admits that Defendant purports to assert a claim for declaratory
14 judgment of non-infringement of the D551 Patent. Plaintiff denies that Defendant is
15 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 35 of the
16 Counterclaims.

17
18 **THIRD CAUSE OF ACTION**

19 36. Plaintiff repeats and realleges each of its preceding responses to the
20 allegations of the Counterclaims as though fully set forth herein.

21 37. Plaintiff admits that Plaintiff asserts claims of patent infringement against
22 Defendant in the present action, such claims create an actual controversy between
23 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant
24 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph
25 37 of the Counterclaims.

26 38. Plaintiff denies the allegations of Paragraph 38 of the Counterclaims.

27 39. Plaintiff admits that the application which eventually issued as the D798
28 Patent was filed with the USPTO on June 6, 2013, and the D798 Patent, entitled

1 “CONTAINER,” issued on January 21, 2014 and claims “[t]he ornamental design for a
2 container, as shown and described.”

3 40. Plaintiff denies the allegations of Paragraph 40 of the Counterclaims.

4 41. Plaintiff admits that the D047 Patent is listed as a reference cited on page
5 2 of the D798 Patent. Plaintiff denies the remaining allegations of Paragraph 41 of the
6 Counterclaims.

7 42. Plaintiff denies the allegations of Paragraph 42 of the Counterclaims.

8 43. Plaintiff admits that Defendant purports to assert a claim for declaratory
9 judgment of non-infringement of the D798 Patent. Plaintiff denies that Defendant is
10 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 43 of the
11 Counterclaims.

12 **FOURTH CAUSE OF ACTION**

13
14 44. Plaintiff repeats and realleges each of its preceding responses to the
15 allegations of the Counterclaims as though fully set forth herein.

16 45. Plaintiff admits that Plaintiff asserts claims of trade dress infringement
17 against Defendant in the present action, such claims create an actual controversy
18 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief
19 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of
20 Paragraph 45 of the Counterclaims.

21 46. Plaintiff admits that the trademark application eventually registering as
22 U.S. Trademark Registration No. 6,800,019 was filed with the USPTO on November 5,
23 2020, and the mark is described as “a bottle lid with a recessed domed top from which
24 a conical spout protrudes on one side and a pair of brackets on the opposing side and
25 the brackets host a pivoting arm containing a circular spout closure element. The dotted
26 lines are matter not claimed as part of the mark.” Plaintiff further admits that U.S.
27 Trademark Registration No. 6,800,019 registered on July 26, 2022.

28 47. Plaintiff denies the allegations of Paragraph 47 of the Counterclaims.

48. Plaintiff admits that Hydra Cup purports to assert a claim for declaratory judgment of non-infringement of the Lid Trade Dress. Plaintiff denies that Defendant is entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 48 of the Counterclaims.

FIFTH CAUSE OF ACTION

49. Plaintiff repeats and realleges each of its preceding responses to the allegations of the Counterclaims as though fully set forth herein.

50. Plaintiff admits that Plaintiff asserts claims of trade dress infringement against Defendant in the present action, such claims create an actual controversy between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph 50 of the Counterclaims.

51. Plaintiff admits that the trademark application eventually registering as U.S. Trademark Registration No. 6,245,626 was filed with the USPTO on August 24, 2020, and the mark is described as “a three-dimensional configuration of a beverage agitator consisting of a wire that is wound to symmetrically define the shape of a sphere.” Plaintiff further admits that U.S. Trademark Registration No. 6,245,626 registered on January 12, 2021.

52. Plaintiff denies the allegations of Paragraph 52 of the Counterclaims.

53. Plaintiff admits that Defendant purports to assert a claim for declaratory judgment for non-infringement of the Agitator Trade Dress. Plaintiff denies that Defendant is entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 53 of the Counterclaims.

SIXTH CAUSE OF ACTION

54. Plaintiff repeats and realleges each of its preceding responses to the allegations of the Counterclaims as though fully set forth herein.

55. Plaintiff admits that Plaintiff asserts claims of trade dress infringement against Defendant in the present action, such claims create an actual controversy

1 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief
2 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of
3 Paragraph 55 of the Counterclaims.

4 56. Plaintiff admits the allegations of Paragraph 56 of the Counterclaims.

5 57. Plaintiff denies the allegations of Paragraph 57 of the Counterclaims.

6 58. Plaintiff admits that Defendant purports to assert a claim for declaratory
7 judgment for non-infringement of the Bottle Trade Dress. Plaintiff denies that
8 Defendant is entitled to any relief. Plaintiff denies the remaining allegations of
9 Paragraph 58 of the Counterclaims.

10 **SEVENTH CAUSE OF ACTION**

11 59. Plaintiff repeats and realleges each of its preceding responses to the
12 allegations of the Counterclaims as though fully set forth herein.

13 60. Plaintiff admits that Plaintiff asserts claims of trade dress infringement
14 against Defendant in the present action, such claims create an actual controversy
15 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief
16 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of
17 Paragraph 60 of the Counterclaims.

18 61. Plaintiff admits the allegations of Paragraph 61 of the Counterclaims.

19 62. Plaintiff denies the allegations of Paragraph 62 of the Counterclaims.

20 63. Plaintiff admits that Defendant purports to assert a claim for declaratory
21 judgment for non-infringement of the Label Trade Dress. Plaintiff denies that
22 Defendant is entitled to any relief. Plaintiff denies the remaining allegations of
23 Paragraph 63 of the Counterclaims.

24 **EIGHTH CAUSE OF ACTION**

25 64. Plaintiff repeats and realleges each of its preceding responses to the
26 allegations of the Counterclaims as though fully set forth herein.

27 65. Plaintiff admits that Plaintiff asserts claims of patent infringement against
28 Defendant in the present action, such claims create an actual controversy between

1 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant
2 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph
3 65 of the Counterclaims.

4 66. Plaintiff denies the allegations of Paragraph 66 of the Counterclaims.

5 67. Plaintiff lacks knowledge or information sufficient to admit or deny the
6 allegations contained in Paragraph 67 of the Counterclaims, and therefore denies the
7 allegations therein on this basis.

8 68. Plaintiff denies the allegations of Paragraph 68 of the Counterclaims.

9 69. Plaintiff admits that Defendant purports to assert a claim for declaratory
10 judgment for invalidity of the D235 Patent. Plaintiff denies that Defendant is entitled
11 to any relief. Plaintiff denies the remaining allegations of Paragraph 69 of the
12 Counterclaims.

13 **NINTH CAUSE OF ACTION**

14 70. Plaintiff repeats and realleges each of its preceding responses to the
15 allegations of the Counterclaims as though fully set forth herein.

16 71. Plaintiff admits that Plaintiff asserts claims of patent infringement against
17 Defendant in the present action, such claims create an actual controversy between
18 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant
19 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph
20 71 of the Counterclaims.

21 72. Plaintiff denies the allegations of Paragraph 72 of the Counterclaims.

22 73. Plaintiff lacks knowledge or information sufficient to admit or deny the
23 allegations contained in Paragraph 73 of the Counterclaims, and therefore denies the
24 allegations therein on this basis.

25 74. Plaintiff denies the allegations of Paragraph 74 of the Counterclaims.

26 75. Plaintiff admits that Defendant purports to assert a claim for declaratory
27 judgment for invalidity of the D551 Patent. Plaintiff denies that Defendant is entitled
28 to any relief. Plaintiff denies the remaining allegations of Paragraph 75 of the

Counterclaims.

TENTH CAUSE OF ACTION

76. Plaintiff repeats and realleges each of its preceding responses to the allegations of the Counterclaims as though fully set forth herein.

77. Plaintiff admits that Plaintiff asserts claims of patent infringement against Defendant in the present action, such claims create an actual controversy between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph 71 of the Counterclaims.

78. Plaintiff denies the allegations of Paragraph 78 of the Counterclaims.

79. Plaintiff lacks knowledge or information sufficient to admit or deny the allegations contained in Paragraph 79 of the Counterclaims, and therefore denies the allegations therein on this basis.

80. Plaintiff denies the allegations of Paragraph 80 of the Counterclaims.

81. Plaintiff admits that Defendant purports to assert a claim for declaratory judgment for invalidity of the D798 Patent. Plaintiff denies that Defendant is entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 81 of the Counterclaims.

ELEVENTH CAUSE OF ACTION

82. Plaintiff repeats and realleges each of its preceding responses to the allegations of the Counterclaims as though fully set forth herein.

83. Plaintiff admits that Plaintiff asserts claims of trade dress infringement against Defendant in the present action, such claims create an actual controversy between Plaintiff and Defendant, and Defendant purports to assert a claim and seek relief pursuant to 15 U.S.C. §§ 1115, 1119, and 1120. Plaintiff denies the remaining allegations of Paragraph 83 of the Counterclaims.

84. Plaintiff denies the allegations of Paragraph 84 of the Counterclaims.

85. Plaintiff denies the allegations of Paragraph 85 of the Counterclaims.

1 86. Plaintiff denies the allegations of Paragraph 86 of the Counterclaims.

2 87. Plaintiff denies the allegations of Paragraph 87 of the Counterclaims.

3 88. Plaintiff denies the allegations of Paragraph 88 of the Counterclaims.

4 89. Plaintiff denies the allegations of Paragraph 89 of the Counterclaims.

5 90. Plaintiff denies the allegations of Paragraph 90 of the Counterclaims.

6 91. Plaintiff denies the allegations contained in Paragraph 91 of the
7 Counterclaims.

8 92. Plaintiff denies the allegations of Paragraph 92 of the Counterclaims.

9 **TWELFTH CAUSE OF ACTION**

10 93. Plaintiff repeats and realleges each of its preceding responses to the
11 allegations of the Counterclaims as though fully set forth herein.

12 94. Plaintiff admits that Plaintiff asserts claims of trade dress infringement
13 against Defendant in the present action, such claims create an actual controversy
14 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek
15 relief pursuant to 15 U.S.C. §§ 1115 and 1119. Plaintiff denies the remaining
16 allegations of Paragraph 94 of the Counterclaims.

17 95. Plaintiff denies the allegations of Paragraph 95 of the Counterclaims.

18 96. Plaintiff denies the allegations of Paragraph 96 of the Counterclaims.

19 **THIRTEENTH CAUSE OF ACTION**

20 97. Plaintiff repeats and realleges each of its preceding responses to the
21 allegations of the Counterclaims as though fully set forth herein.

22 98. Plaintiff admits that Plaintiff asserts claims of trade dress infringement
23 against Defendant in the present action, such claims create an actual controversy
24 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek
25 relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining
26 allegations of Paragraph 98 of the Counterclaims.

27 99. Plaintiff denies the allegations of Paragraph 99 of the Counterclaims.

28 100. Plaintiff admits that Defendant purports to assert a claim for declaratory

1 judgment for invalidity of the Bottle Trade Dress. Plaintiff denies that Defendant is
2 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 100 of the
3 Counterclaims.

4 **FOURTEENTH CAUSE OF ACTION**

5 101. Plaintiff repeats and realleges each of its preceding responses to the
6 allegations of the Counterclaims as though fully set forth herein.

7 102. Plaintiff admits that Plaintiff asserts claims of trade dress infringement
8 against Defendant in the present action, such claims create an actual controversy
9 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek
10 relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining
11 allegations of Paragraph 102 of the Counterclaims.

12 103. Plaintiff denies the allegations of Paragraph 103 of the Counterclaims.

13 104. Plaintiff admits that Defendant purports to assert a claim for declaratory
14 judgment for invalidity of the Label Trade Dress. Plaintiff denies that Defendant is
15 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 104 of the
16 Counterclaims.

17 **AFFIRMATIVE DEFENSES**

18 Plaintiff asserts the following affirmative defenses in the present action. There
19 may be additional affirmative defenses to the Counterclaims that are currently unknown
20 to Plaintiff. Therefore, Plaintiff reserves the right to amend its answer to the
21 Counterclaims to allege any additional affirmative defenses, in the event that discovery
22 of additional information indicates that they are appropriate.

23 **FIRST AFFIRMATIVE DEFENSE**

24 (Failure to State a Claim)

25 1. The Counterclaims fail to state a claim upon which relief can be granted.

26 **SECOND AFFIRMATIVE DEFENSE**

27 (Unclean Hands)

28 2. The Defendant's claims are barred, in whole or in part, because of the

1 doctrine of unclean hands.

2 **PRAYER FOR RELIEF**

3 Plaintiff denies all remaining allegations not expressly admitted or responded to
4 herein. Plaintiff denies that Defendant is entitled to the relief requested, or to any relief.
5 Plaintiff prays for relief as follows:

- 6 A. That the Court enter judgment against Defendant on its Counterclaims;
7 B. That Defendant take nothing by way of its Counterclaims;
8 C. That the Court dismiss the Counterclaims with prejudice; and
9 D. For such other relief as the Court may deem just and proper.

10
11 Respectfully submitted,

12 KNOBBE, MARTENS, OLSON & BEAR, LLP
13

14 Dated: April 7, 2023

By: /s/ Jacob R. Rosenbaum

15 Jacob R. Rosenbaum

16 Ali S. Razai

Paul A. Stewart

17 Christian D. Boettcher

18 Counsel for Plaintiff TROVE BRANDS, LLC d/b/a
19 THE BLENDERBOTTLE COMPANY
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CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2023, I cause the **PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIMS** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following counsel of record.

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